

The Examiner argues that Fague shows pigment/organic dyes dispersed in a polymer resin, wherein the resin containing the colorant is dispersed in the water-based ink and cites Fague, column 4, lines 55-67. However, this citation in Fague does not show “polymer particles having an average particle diameter of 20 to 200 nm, which particles contain a colorant” as in the present claims, but only discloses that a pigment may be dispersed by use of a polymeric dispersant, which has a hydrophobic block to link with the pigment and a hydrophilic block to disperse the pigment in the aqueous medium. This disclosure in no way teaches or suggests “polymer particles having an average particle diameter of 20 to 200 nm, which particles contain a colorant”, as in the present claims, since polymeric particles cannot be formed by materials having one hydrophobic end to link to a pigment and one hydrophilic end to serve to disperse the pigment in an aqueous medium. Therefore Claims 1-4 and 7 are not anticipated by Fague.

The rejection of Claims 1-3 and 7 under 35 U.S.C. §102(b) as anticipated by Kappele et al is traversed.

Kappele et al is deficient for the same reasons set forth in the argument above with regard to Fague, because column 2, lines 54-59 of Kappele et al, cited by the Examiner, only teaches a pigment and a polymeric dispersant for the pigment and does not teach or suggest “polymer particles having an average particle diameter of 20 to 200 nm, which particles contain a colorant”, as in the present claims. Therefore, Claims 1-3 and 7 are not anticipated by Kappele et al.

The rejection of Claims 1-3, 5 and 7 under 35 U.S.C. §102(b) as anticipated by Hattori is traversed.

As is the case with Fague and Kappele et al, Hattori also only shows a pigment associated with a dispersant. The Examiner’s reference paragraph 0004 in Hattori which states “the fluorescent pigment of the resin solid solution of the color which has a

fluorescence" does not teach or suggest the limitation of Claim 1 "polymer particles having an average particle diameter of 20 to 200 nm, which particles contain a colorant", as in the present claims. Therefore, Claims 1-3, 5 and 7 are not anticipated by Hattori.

In response to the Examiner's argument on page 5 of the Official Action that Applicants' originally filed description does not provide sufficient support for claims to an ink wherein R<sup>1</sup> and R<sup>3</sup> are limited to "monovalent aliphatic hydrocarbon(s) group having 2 to 6 carbon atoms" Applicants wish to direct the Examiner to page 10, line 25 through page 11, line 2 in which it is stated: "Concrete examples of R<sup>1</sup> and R<sup>3</sup> include monovalent aliphatic groups having 2 to 6 carbon atoms, such as ethyl group, propyl group ... and isohexyl group." This clearly indicates that Applicants were in possession of an invention encompassing all monovalent aliphatic hydrocarbon groups having 2 to 6 carbon atoms and the particular examples set forth on page 11 are not limiting, because it is settled law that Applicants are not limited to specific examples, when they set forth a genus or subgenus of compounds or moieties. Further, the arguments made on page 6 of the previous response are still valid.

The rejection of Claim 4 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as being unpatentable over Kappele et al or Hattori is traversed.

Since Claim 4 is based on Claim 1 and Claim 1 has been clearly shown not to be anticipated by either Kappele et al. or Hattori, Claim 4 cannot be anticipated by either of the references, nor is it obvious over either of the references, because neither reference shows the surface tension limitation, as set forth in Claim 4. Therefore, Claim 4 is not anticipated by nor obvious over the combination of references.

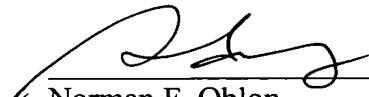
The rejection of Claims 1-4 and 7 under 35 U.S.C. §112, first paragraph is traversed. Since page 10, line 25 through page 11, line 2 clearly indicates that Applicants had

possession of an invention encompassing monovalent aliphatic groups having 2 to 6 carbon atoms, along with numerous examples of aliphatic hydrocarbon groups being set forth, it is clear that monovalent aliphatic hydrocarbon groups having 2 to 6 carbon atoms are disclosed by Applicants and the claims meet the requirements of 35 U.S.C. §112, first paragraph.

It is submitted that Claims 1-5 and 7 are allowable and such action is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Roland E. Martin  
Registration No. 48,082



**22850**

Tel.: (703) 413-3000  
Fax: (703) 413-2220  
I:\atty\rem\196727us-af.doc